

Applicants : Michael Röhr et al.
Serial No. : 10/520,551
Page : 9

Remarks:

The amendments and remarks presented herein are believed to be fully responsive to the Office Action dated June 13, 2008.

Claims 1-13 are pending in the application. Claims 1-3, 5, 7, 8, 11, 12, 14-19, 21, 23, 24, 26 and 27 have been amended as set forth above. Claims 14-28 are presented for consideration. Claims 14-27 were previously withdrawn as directed to a non-elected species and now include all the limitations of an allowable generic claim, as discussed below. Claim 28 is new. The amendments are fully supported in the specification and drawings as originally filed. No new matter has been added.

ALLOWABLE CLAIMS

Claims 2-4 and 6-13 were objected to as being dependent upon a rejected base claim but were indicated as being directed toward allowable subject matter and as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The indicated allowability of claims 2-4 and 6-13 is gratefully acknowledged. Applicants have rewritten claim 2 to be in independent form, including all of the limitations of the base claim and any intervening claims, with minor changes in the claim to make the claim more readable but not to further limit the claim. Claims 3, 4 and 6-13 are dependent upon claim 2. Accordingly, claims 2-4 and 6-13 are now in condition for allowance.

CLAIM REJECTIONS – 35 U.S.C. § 112

Claim 5 was rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 5 has been amended to depend from claim 2. Amended claim 2 includes "a flat foldable hose comprising a textile hose." Accordingly, Applicants respectfully submit that there is sufficient antecedent basis for the term "said textile hose" in amended claim 5.

Accordingly, the rejection has been overcome. Applicants respectfully request that the rejection of claim 5 under 35 U.S.C. §112 be withdrawn.

Applicants : Michael Röhr et al.
Serial No. : 10/520,551
Page : 10

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,635,903 to Broyden in view of U.S. Patent No. 6,554,533 to Godbersen.

Applicants respectfully traverse the rejection under 35 U.S.C. §102(b) for the reasons set forth below.

Amended claim 1 specifies that the storage for adjusting the suspension height of the suspended control device includes the electrical lines and the traction relief. The storage is operable to take up and pay out predetermined lengths of both the electrical lines and the traction relief for adjusting the suspension height of the suspended control device.

Broyden does not disclose or suggest at least the unique subject matter in claim 1, set forth above. Broyden discloses an electrical hoist 10 having an electrical cord 20. See Broyden column 2, lines 25-26 and 33-38, and Figure 1. The cord 20 is tightly helically wound and envelops a pendant strain relief chain extending between the hoist 10 and the pendant control switch 18. See Broyden column 2, lines 47 through 49. The uppermost blank 22 of the strain relief chain hangs from a saddle bar 30 at the bottom of a housing part 11 of the hoist 10. See Broyden column 3, lines 32-33 and Figures 2-4. The lower end of the strain relief chain is fixed to a pendant control switch 18. See Broyden Figure 1. Thus, the electrical cord 20 extends between the hoist 10 and the pendant control switch 18. See Broyden column 2, lines 46-50 and Figure 1. When the distance between the hoist and the pendant control switch is changed, the helically wound electrical cord may contract or extend, but the strain relief chain must be either replaced, shortened or lengthened. See Broyden column 3, lines 1-8. The Broyden strain relief chain does not adjust together with the electrical cord.

In contrast, the storage as defined in claim 1 includes both the electrical lines and the traction relief, as noted above, and is operable to take up and pay out predetermined lengths of both the electrical lines and the traction relief for adjusting the suspension height of the suspended control device. The traction relief does not need to be replaced, shortened or lengthened when the height of the suspended control device is adjusted. Accordingly, Applicants respectfully submit

Applicants : Michael Röhr et al.
Serial No. : 10/520,551
Page : 11

that Broyden does not disclose or suggest the suspension for a suspended control device of claim 1 for at least the reasons set forth above and, thus, claim 1 is patentably distinguishable over Broyden.

New claim 28 depends upon amended claim 1 and includes all the limitations of claim 1, and is therefore patentably distinguishable over Broyden or any other reference of record for at least the reasons set forth herein with respect to claim 1. In addition, claim 28 specifies that the storage is located between a support of the traction relief and the unit being controlled. Broyden does not disclose or suggest at least this unique subject matter. Referring to Broyden, the Examiner states on page 3 of the Office Action that "the storage is an area near the reference member 24" and "is located behind a support 30 of the relief." This interpretation is respectfully traversed. As discussed above, the electrical cord extends between the hoist 10 and the pendant control switch 18 and is therefore not stored behind the saddle bar 30. Moreover, Broyden does not disclose or suggest storage of the electrical cord and the strain relief chain between the saddle bar 30 and the hoist 11. In contrast, claim 28 does disclose locating the storage between a support of the traction relief and the unit being controlled.

Accordingly, Applicants respectfully submit that Broyden does not disclose or suggest the suspension for a suspended control device of claim 28 for at least the reasons set forth above and, thus, claim 28 is patentably distinguishable over Broyden.

With respect to Godbersen '533, no further mention of Godbersen is made in the Office Action with respect to the claim rejection under 35 U.S.C. §102(b). Applicants believe that Godbersen was not intended to be a reference for purposes of the §102(b) rejection. However, it is submitted that Godbersen does not make up for the deficiencies of Broyden. Godbersen fails to disclose or suggest the unique subject matter of claim 1 including a storage including electrical lines and a traction relief, the storage being operable to take up and pay out predetermined lengths of both the electrical lines and the traction relief for adjusting the suspension height of a suspended control device. In contrast, Godbersen discloses the use of a rotatably mounted control arm tube, wherein a controller may be suspended from the tube. See Godbersen column 4, lines 42-46.

It is further submitted that there is no basis taught or suggested in either Broyden or Godbersen or the other prior art for modifying either reference, and that the invention defined in the

Applicants : Michael Röhr et al.
Serial No. : 10/520,551
Page : 12

rejected claims provides functions not provided in the prior art. Because there are important distinctions that are not disclosed or suggested in Broyden or Godbersen or any other reference of record, as detailed above, the rejection under 35 U.S.C. §102(b) is overcome. Withdrawal is requested.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Broyden '903 in view of Godbersen '533.

Applicants respectfully traverse. Amended claim 5 depends from claim 2. Claim 2 was indicated as being directed toward allowable subject matter and has been rewritten in independent form, as discussed above. Therefore, the rejection under 35 U.S.C. §103(a) is overcome. Withdrawal is requested.

SPECIES ELECTION

Claims 14-27 were previously withdrawn in response to the requirement of the Office Action dated January 24, 2008 to elect a single species to which the claims would be restricted if no generic claim is finally held to be allowable. In the Office Action, claim 1 was indicated as being a generic claim (see §2), and applicant was noted as being "entitled to consideration of claims to additional species which... include all the limitations of an allowed generic claim" (see §1, ¶15). Each of the previously withdrawn claims are amended to include all the limitations of generic claim 1, and Applicants respectfully submit that claim 1 is now in allowable form for at least the reasons set forth above. Accordingly, the previously withdrawn claims 14-27 are entitled to consideration under 37 C.F.R. §1.141. Claim 28 is readable on the previously elected species. Consideration of previously withdrawn claims 14-27 and new claim 28 is respectfully requested.

Applicants : Michael Röhr et al.
Serial No. : 10/520,551
Page : 13

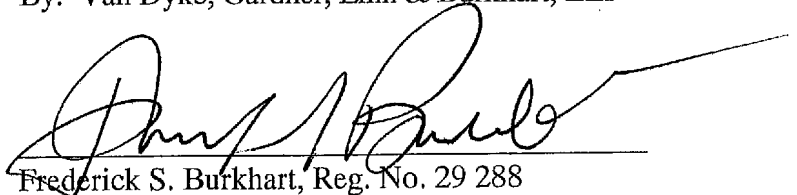
Applicants respectfully submit that claims 1-28 are in condition for allowance and a notice to that effect is earnestly and respectfully requested.

Respectfully submitted,

MICHAEL RÖHR et al.

By: Van Dyke, Gardner, Linn & Burkhart, LLP

Date: August 27, 2008.

A handwritten signature in black ink, appearing to read 'Frederick S. Burkhart', is written over a horizontal line.

Frederick S. Burkhart, Reg. No. 29 288
2851 Charlevoix Drive, S.E., Suite 207
P.O. Box 888695
Grand Rapids, Michigan 49588-8695
(616) 975-5500

FSB:BSB:wen